

Minutes: Leesburg Planning Commission February 15, 2001

The Leesburg Planning Commission met on Thursday, February 15, 2001 at 7:00 p.m. in Council Chambers at 25 West Market Street, Leesburg, VA. Members present for this meeting were: Chairman C. Vaughan, G. Glikas, C. Cable, D. Kennedy, W. Zawacki, L. Werner, L. Schonberger and Councilmember K. Umstattd. Staff members present were: Mike Tompkins, Lee Phillips, Randy Hodgson and Jennifer Moore

MINUTES:

Mr. Kennedy made a motion to approve the minutes of January 18, 2001 with minor changes.

Motion: Kennedy
Second: Cable
Carried: 7-0

Mr. Kennedy made a motion to approve the minutes of February 1, 2001 with minor changes.

Motion: Kennedy
Second: Schonberger
Carried: 7-0

PETITIONERS:

None

COUNCILMANIC REPORT:

Councilmember Umstattd stated that Council approved the Star Concrete special exception.

Councilmember Umstattd stated that the Council is also considering whether or not to get legal opinion and send to the Planning Commission the issue of whether or not to open Bradfield Drive earlier than originally resolved by the Planning Commission.

Councilmember Umstattd stated that she would like the Commission to think about whether or not the Planning Commission representative to the Board of Architectural Review (BAR) should be a non-voting representative; right now the representative is a voting member. She stated that she asked the Mayor to let the Planning Commission have input on the matter before the Council decides whether or not to change the Ordinance.

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Councilmember Umstattd stated that the Council passed the creation of a permanent Residential Transportation Task Force Committee, which will have a position for a Planning Commission representative. She stated that the Mayor had suggested that perhaps the Planning Commission did not want or need a Planning Commission position on the Committee and she would like the Commission to comment on that issue as well.

Commissioner Glikas stated that he does not know whether the Planning Commission member on the BAR needs to be a voting member, however he does believe that there is a need for there to be a representative from the Planning Commission on the BAR.

Commissioner Glikas stated that he had attended the Residential Transportation Task Force religiously when it was formed, however things became redundant and he stopped attending. He does believe that it is important to have a representative from the Planning Commission on the Task Force at this time.

Chairman Vaughan stated that he would like to hold this issue to be discussed under new business so that the Commission could go into more detail and not hold up the applicants waiting for their applications to be heard.

PUBLIC HEARING:

None

SUBDIVISION AND LAND DEVELOPMENT

Thomas Bishop Variation Request – Mr. Phillips came forward to speak. Mr. Phillips stated that this application is before the Commission tonight simply to discuss whether the Commission believes that there is a need for a public hearing for this request.

Mr. Phillips stated that the Bishop family would like the Commission to entertain an application to create a pipestem lot. They would like to subdivide the lot at 802 Shady Oak Lane and break it into two lots to accommodate a home for the Bishop's parents. He stated that the regulations require that the minimum overall area for a subdivision containing a pipestem lot shall be four acres and this lot is less than the minimum. He also stated that the regulations state that no more than five pipestem lots can abut the property and they actually have six lots that abut.

Mr. Phillips also stated that the regulations state that the stem can serve no more than two pipestem lots and this lot has three. He stated that another section of the regulations restrict no more than five hundred vehicles per day within a cul-de-sac and this area would be considered a cul-de-sac because there is only one road leading into and out of the homes.

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Mr. Phillips stated that the entire focus of tonight's meeting is whether or not to hold a public hearing and staff's recommendation is that a public hearing be held. Mr. Phillips stated that he has had 11 residents contact the Town staff and out of the 11, nine have asked that the Planning Commission entertain a public hearing so that they may speak.

Mr. Thomas Bishop came forward to speak. Mr. Bishop explained some of what is currently on the surrounding property.

Mr. Bishop stated that he has gone door-to-door speaking with his neighbors and handing out a description of what was proposed and he received three positive signed responses, however he did not hear from the others.

Commissioner Kennedy asked what size the house would be that the Bishop's are planning to build. He also asked what the square footage is of the current residence. Mr. Bishop stated that the current residence is about 3,100 square feet and the guesthouse they are planning to build would be about 2,000 square feet.

Commissioner Kennedy asked if the proposed residence would be in keeping with the neighborhood. Mr. Bishop stated that most of the adjoining properties would not be able to see the proposed residence except in the wintertime when there are no leaves on the trees. Mr. Bishop stated that they are hoping to pick up the original country flavor of the area and build a small farmhouse.

Commissioner Cable asked if there is a difference between a single-family residence and a retirement cottage. Mr. Phillips stated that there is no difference; it would be recognized as a single-family residence.

Commissioner Cable asked if there were any regulations set forth for the subdivision that the parcel was a part. Mr. Phillips stated that no research has been done on the application; the staff was only prepared tonight to determine whether or not a public hearing was needed.

Commissioner Werner made a motion to hold a public hearing on this application.

Motion: Werner
Second: Cable
Carried: 7-0

ZONING ITEMS

None

COMPREHENSIVE PLANNING ITEMS

ZM 2000-06 Richlynn Proffer Amendment:

Mr. Hodgson stated that the Planning Commission held a public hearing on the request of the Ward Corporation to amend two of the original proffers of the 1985 Richlynn Development zoning case. The applicants sought to amend Proffer Seven to allow access to points along Sycolin Road to be less than 800 feet to allow for the proposed office buildings to be aligned with Tavistock Drive.

Mr. Hodgson stated that after the public hearing the Planning Commission had suggested some additional language to the proffers stating that the second access point on Rt. 643 would align with Tavistock Drive and that was incorporated into the proposed recommendation.

Mr. Hodgson stated that the second part of the proffer amendment was to eliminate Proffer Nine. The Planning Commission had asked whether the uses would remain if the percentages were eliminated and if the Town had always interpreted that these were the only uses that could be in that area. Mr. Hodgson stated that he checked with the Zoning Administrator and he stated that the Town had always interpreted that only the four uses listed would be permitted.

Mr. Hodgson stated that rather than eliminating Proffer Nine staff is recommending that three uses be kept and additional compatible uses be added. Mr. Hodgson stated that the Zoning Administrator and the applicant were agreeable to this change.

Commissioner Zawacki asked how these changes would change the traffic study. Mr. Hodgson stated that the traffic study used the most intensive use in the I-1 district, which was the lumberyard, and he does not believe that this would increase the traffic flow in the study.

Commissioner Cable asked if the questions asked by the citizens at the last meeting were answered. Mr. Hodgson stated that they did not come to see him personally.

Commissioner Cable stated that she takes issue with adding additional uses at this time. She stated that at the time of the public hearing the citizens were told that uses would not be added, that the Commission was only discussing the percentage of uses and she is now very surprised to see a list of uses that were now being allowed back into the proffers. Mr. Hodgson stated that he checked the ad and it is staff's interpretation that the applicant had requested to eliminate Proffer Nine entirely so even with the addition of uses other than the ones listed in the original proffer it is still less restrictive than if the entire proffer were eliminated.

Commissioner Cable stated that she feels very strongly that this needs to be readvertised because she does not believe that what is before the Commission is what the public was notified about.

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Mr. Tompkins stated that he does not believe that it is necessary to readvertise, however he would be willing to check with the Town Attorney. Commissioner Cable stated that she is not trying to cause undue delay, but she is concerned about the procedure, especially in light of the fact that there were residents interested in the project.

Mr. Dave Colbert, representative for the applicant came forward to speak. Mr. Colbert stated that he did meet with Ms. Malacarne and the other residents as some length following the last hearing. Mr. Colbert stated that he addressed Ms. Malacarne's concerns regarding this particular issue.

Mr. Colbert explained the applicants thinking in limiting the uses in Proffer Nine as opposed to eliminating the proffer as they had originally requested.

Commissioner Cable stated that she does not believe that this item was properly advertised and that uses are being added and would like a ruling from the Town Attorney. Mr. Colbert stated that holding up the application another two weeks would adversely impact his client.

Commissioner Schonberger stated that his understanding of the public hearing that was held at the last session was on the issue of the elimination of Proffer Nine in its entirety, which would permit all by right uses and consideration of all special exception uses in the I-1 zone. That was what was advertised and that is what the public had the opportunity to speak about and he heard no one speak on that subject matter at all. Therefore, he does not believe that a new public hearing is warranted to consider amending Proffer Nine to permit less than all by right uses and to consider some special exception uses in the I-1 zone. He feels comfortable in voting on that subject.

Commissioner Zawacki stated that it is his believe that staff has negotiated a better position for the Town than there would have been had the Commission eliminated Proffer Nine.

Commissioner Schonberger made a motion to approve the application as submitted.

Motion: Schonberger
Second: Kennedy
Carried: 6-1 with Cable voting
Nay

OLD AND NEW BUSINESS

Chairman Vaughan stated that he would like to talk about the Planning Commissions representative to the BAR.

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Chairman Vaughan asked why the issue is being brought up at this time. Councilmember Umstattd stated that she does not know, the Mayor brought up the issue to the Town Attorney for further discussion.

Commissioner Cable stated that she did attend the Council meeting where this issue was discussed. One thing that was mentioned was that all of the other Boards and Commissions have seven appointed members and the new process with the Town Council is to have a Councilmember adopt an appointee. In the case of the BAR there were only six, there was a seventh BAR member that had not been appointed by the Town Council. There were seven members because the Planning Commission representative was participating. Commissioner Cable stated that the Council made it very clear at the meeting that they wanted to straighten the above issue out and at least appoint one other member to the BAR.

Commissioner Werner stated that she is on the fence whether or not there should be a representative from the Commission on the BAR. She stated that there is a need because many of the things that go before the BAR have been before the Commission first and she believes that there is a need to for a representative from the Commission to relay information to the BAR.

Commissioner Glikas stated that he strongly believes that it is necessary to have a representative from the Commission on the BAR whether that representative is a voting member or a non-voting member. Chairman Vaughan determined that that is the general consensus of the Commission.

Commissioner Glikas stated that it is an honor to vote on the BAR but believes that it is not a necessity.

Commissioner Kennedy stated that he believes that the Commission member should vote because he believes that the Commission members can take the lead with certain issues.

Chairman Vaughan polled the Commission and the general consensus was that the Commission member who sits on the BAR be strictly in an advisory capacity and be a non-voting member.

Commissioner Cable stated that this would also be an issue to be placed in the Commissions by-laws, which will be discussed at the retreat.

Councilmember Umstattd asked if the Commission would like to have a member from the Commission on the Residential Transportation Task Force. She stated that the Council voted to place a Planning Commission Representative on the Task Force and make that member a voting member.

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Commissioner Schonberger asked Commissioner Werner if she would be interested in volunteering to sit on the Task Force. Commissioner Werner stated that she is interested in doing that. The Commission supported Commissioner Werner taking on that duty.

COMMITTEE REPORTS

None

There being no further business the meeting adjourned at 8:40 p.m.